

WATER RESOURCES
1341 FILMORE ST.
SUITE #200
TWIN FALLS, IDAHO 83301

RECEIVED

NOV 13 1997

Atten: Mr. Allen Merritt
Regional Manager

Department of Water Resources
Southern Region

Dear Mr. Merritt:

Mr. Corey Skinner has suggested that I contact you with regard to my concern over the amount of water that is being withdrawn from springs emanating on my property by adjacent property owners who have specific water rights therefrom.

I refer you to my own water right #A36-07315, in the amount of 3.71 cfs. Without going into all of the preliminaries that led me to be cajoled into allowing it to happen, Mr. Musser, (C36-10293) has installed a 10" pipe directly from my spring, and now has a direct gravity flow under pressure in addition to a new pump which has been installed. According to watermaster Frank Erwin, that pump will consume and distribute about 1.50 cfs., and he thinks that is what is being consumed. I concur with this premise. Whereas Musser is allowed 88/100 cfs in accordance with the recommendations, he has consistently utilized from 1.30 to about 1.50 cfs. according to my own (unofficial) measurement when calculating the flow over my weir before and after his pump is on. I have on occasion attempted to turn down the inlet valve, but they at once open it back up. We are at a stalemate, and at this juncture I feel unable to determine the best way to be assured that the legal limit will be observed, aside from taking legal action.

It appears that our watermaster feels he has no control over the matter, nor does he feel he has the proper equipment to make an accurate measure, and apparently does not want to involve himself, at this juncture, in issuing any mandate under his authority. I can find no means of measuring the water flow in the pipe, other than a plugged opening in the pipe just before it enters the pump, which might be utilized for this purpose. It is the watermasters suggestion that I contact you in this regard. Mr. Corey indicated that your own department has record of having measured this flow at about 1.20 cfs. at some time even before the new pump was put into place, so you recognize that there has been this abuse of my rights. Matters have only gotten worse for me.

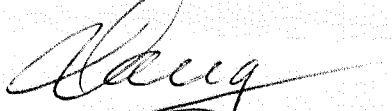
There is presently only a miniscule flow through the pipe, inasmuch as the property now will not be sprinkled again until Spring. This will, probably, make it difficult for us to make a determination to prove the volume of water flow that has been used. I am not sufficiently knowledgeable as to the protocol or procedures that might be best taken, and feel it necessary to lean on you a bit for help as possible. I should have contacted you earlier, but only recently concluded that I have had enough of this nonsense. I do, however, want to get the issue "on the burner" if possible, and hopefully resolved quickly. I am in the process of listing my property for sale, and am unable to include the approved amount of water as a basis for evaluation, since I am of course being delivered much less than that. This will rather dramatically affect the evaluation of the property, and I now have to take much more seriously the degree of this infraction against

*Under
measured pump?
10 cfs*

my rights. Is it possible that, upon confirmation of the infraction, for you to send Mr. Musser a letter advising him that he will be held responsible for restricting the water consumption to his legal allocation? I believe such a letter would possibly be sufficient to assure my buyer of the property evaluation for my purposes at this time. If not, how would you suggest I proceed in order to protect my rights? Mr Musser has been antagonistic from the onset, and seems to not desire to assume any responsibility for his actions. It would be of no value for me to approach him again. If the watermaster is unable or feels incapable for some reason, who else?

I thank you very much for taking time to review my concerns. Your consideration and assistance will be gratefully appreciated. I will be available to you at any time, if you desire, by phone or in person.

Very sincerely,



Douglas A. Schrank
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